

**STATE OF NEW MEXICO  
WATER QUALITY CONTROL COMMISSION**

_____ )	
<b>In the Matter of:</b> )	MOTION TO DISMISS
)	
<b>MARISELA ORNELAS, d/b/a</b> )	
<b>VISION MOBILE HOME PARK, LLC,</b> )	
)	
Respondent. )	No.: WQCC 20-_____
_____ )	

HERE COMES Marisela Ornelas, owner of Vision Mobile Home Park, LLC, a corporation in good standing with the State of New Mexico since 2018. Respondent requests that New Mexico Environment Department amend its ADMINISTRATIVE COMPLIANCE ORDER REQUIRING COMPLIANCE AND ASSESSING A CIVIL PENALTY and the accompanying ATTACHMENT 1 – PENALTY CALCULATIONS to indicate Respondent as “VISION MOBILE HOME PARK, LLC” and strike the Respondent’s name of “MARISELA ORNELAS, D/B/A VISION MOBILE HOME PARK, LLC.”

This Motion is being brought in accordance with the New Mexico Administrative Code, Title 20.1.1.307(C) in that while being prepared effort was made to determine if there was concurrence in the above and it was indicated there was no concurrence.

## I. ARGUMENT

1. I am Charles Patton, Vice President of Compliance, for Vision Mobile Home Park, LLC [hereafter referred to as “Respondent’s Corporation”] and am preparing this Motion to Dismiss on behalf of Respondent’s Corporation Ion Pro Per.
2. As a matter of accepted law, Marisela Ornelas is not a party to this matter as she has had the benefit of corporate protection provided under state and federal law since 2018. Please See Attached Exhibit “A”: Record, Secretary of State, State of New Mexico, Printout 02/08/2021.
3. That being the case, Respondent recognizes that the mis attribution may well have been her fault given that the first reference is made in the draft of the “Ground Water Quality Bureau Discharge Permit Issued under 20.6.2 [DP-1691]” dated 12/3/2019 [hereafter referred to as “DP-1691”].
4. In telephonic discussions with Mr. Chris Vigil [hereafter referred to as “AG Vigil”], Assistant General Counsel, New Mexico Environment Department [hereafter referred to as the “Department”], on 02/08/2021, AG Vigil indicated, possibly correctly, that the misattribution might have occurred due to Respondent’s failure to indicate on her application for DP-1691 that she was at the time of application now a corporation as indicated above, and not acting as an individual. If this is the case, Respondent apologizes for this misattribution and for any confusion or trouble this may have caused all respective parties.

5. In addition, during the same discussion, Mr. Vigil indicated that the department denies concurrence. He very helpfully pointed out that in fact the matter has not been calendared yet with the Water Quality Control Commission [hereafter referred to as the “Commission”] so that Motion Practice is premature.
6. This motion does not indicate Respondent’s desire not to be compliant in resolving this matter. The main issue is that because she owns a corporation in good standing with the State of New Mexico, she wants to ensure that her corporation and not her is being sued here as this affects settlement, compliance, attribution of liability and resolution of this very important matter before the Commission.

**II. RELIEF REQUESTED**

7. As indicated in the opening of this motion, Respondent simply requests that the Department amend its caption and references in its ADMINISTRATIVE COMPLIANCE ORDER REQUIRING COMPLIANCE AND ASSESSING A CIVIL PENALTY and the accompanying ATTACHMENT 1 – PENALTY CALCULATIONS to indicate Respondent as “VISION MOBILE HOME PARK, LLC” and strike the Respondent’s name of “MARISELA ORNELAS, D/B/A VISION MOBILE HOME PARK, LLC.”

Marisela Ornellas

 Digitally signed by Marisela Ornellas  
Date: 2021.02.09 14:32:51 -18'00'

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Marisela Ornelas, CEO and Board Member  
of Respondent: Vision Mobile Home Park, LLC

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Date

# Bob Patton

 Digitally signed by Charles Patton

Date: 2021.02.08 12:21:05 -07'00'

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Charles Patton,  
Vice President of Compliance  
Vision Mobile Home Park, LLC.

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Date

EXHIBIT "A"

### Entity Details

Business ID#: 5738814

Status: Active

Entity Name: VISION MOBILE HOME  
PARK, LLC

Standing: Good Standing

DBA Name: Not Applicable

### Entity Type and State of Domicile

Entity Type: Domestic Limited Liability  
Company

State of Incorporation: New Mexico

Statute Law Code: 53-19-1 to 53-19-74

### Formation Dates

### Reporting Information

### Period of Existence and Purpose and Character of Affairs

### Outstanding Items

Not Applicable

Registered Agent:

No Records Found.

License:

No Records Found.

### Contact Information

Mailing Address: 1 ROAD 6367, Kirtland, NM 87417

Principal Place of Business  
Anywhere: 1 ROAD 6367, Kirtland, NM 87417

Secondary Principal Place of  
Business Anywhere:

Principal Office Outside of New  
Mexico: Not Applicable

Registered Office in State of  
Incorporation:

Principal Place of Business in **Not Applicable**  
Domestic State/ Country:

Principal Office Location in NM: **Not Applicable**

### Registered Agent Information

Name: **MARISELA ORNELAS**

Geographical Location  
Address:

Physical Address: **1 ROAD 6367, Kirtland, NM  
87417**

Mailing Address: **1 ROAD 6367, Kirtland, NM  
87417**

Date of Appointment: **09/06/2018**

Effective Date of Resignation:

### Director Information

**Not Applicable**

### Officer Information

**Not Applicable**

### Manager Information

<b>Title</b>	<b>Name</b>	<b>Address</b>
Manager	MARISELA ORNELAS	1 ROAD 6367, Kirtland, NM 87417
Manager	KARISELA RUIZ	1 ROAD 6367, Kirtland, NM 87417

### Member Information

<b>Title</b>	<b>Name</b>	<b>Address</b>
Member	ELEGANT HILLS PARK & ESTATES, LLC	28330 ROAD K.2, UNIT 1, Cortez, CO 81321

### Organizer Information

<b>Title</b>	<b>Name</b>	<b>Address</b>
Organizer	ELEGANT HILLS PARK & ESTATES, LLC	PO BOX 1178, Cortez, CO 81321

*Motion To Dismiss*

### Incorporator Information

**Not Applicable**

**Trustee Information**

Not Applicable

**Filing History**



Filing Date	Filing Type	Fiscal Year End Date	Post Mark	Survivor/ Re-Domesticated Entity	Instrument Text	Processed Date	Filing #
09/06/2018	Business Formation	12/31/2018				09/07/2018	1883924

**License History**



[Back](#) [Entity Name History](#) [Return to Search](#)

**CERTIFICATE OF SERVICE**

I hereby certify that on January 9, 2021, a true and accurate copy of the Motion to Dismiss was served electronically to email: [Pamela.Jones@state.nm.us](mailto:Pamela.Jones@state.nm.us) and to AG Vigil at [ChristopherJ.Vigil@state.nm.us](mailto:ChristopherJ.Vigil@state.nm.us) with an additional copy emailed to [ChristopherJ.Vigil@state.nm.us](mailto:ChristopherJ.Vigil@state.nm.us) all sent from Ms. Ornelas' email, [ehpestates@gmail.com](mailto:ehpestates@gmail.com). As well, the original, signed copy was sent by Certified U.S. Mail to:

Commission Administrator  
Water Quality Control Commission  
P.O. Box 5469  
Santa Fe, NM 87502

—  
/s/ Charles Patton  
Vice President of Compliance  
Vision Mobile Home Park, LLC  
2091 Locust Road  
Montrose, CO 81401

Certificate of Service

I hereby certify that on February 8, 2021 a copy of the foregoing **document** was emailed to the persons listed below. A copy will be mailed first class upon request.

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New Mexico Environment Department  
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*Counsel for the New Mexico Environment Department*

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